

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 29TH DAY OF MAY 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Meghan Dorsett	-Comprehensive Planner
	Angie Hill	-Financial & Management Services Director
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Annette S. Perkins	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Falling Branch Corporate Park
 2. Elliston-Lafayette Elementary School Site
- (5) Discussion Concerning A Prospective Business Or Industry Or The Expansion Of An Existing Business Or Industry Where No Previous Announcement Has Been Made Of The Business' Or Industry' s Interest In Locating Or Expanding Its Facilities In The Community.
1. Project # 2007010
 2. Project # 2007015
 3. Project # 2007017
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Commerce Park Participation Agreement

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Adjustment and Appeals Board
 - 2. Community Services Board
 - 3. Economic Development Alliance (NRV)
 - 4. Library Board
 - 5. Planning Commission
 - 6. Planning District Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Doug Marrs		
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Annette S. Perkins
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request – James & Rebecca Thornton (Agent: Matthews&Henegar, Inc.)

James and Rebecca Thornton (Agent: Mathews & Henegar, Inc.) request to rezone approximately 40.3881 acres from Agriculture (A1) to Rural Residential (RR), with possible proffered conditions, to allow a proposed 24-lot subdivision, entitled “Thornton Hills Subdivision”. The property is located on the north side of Childress Road (Rt. 693), at the Fairview Church Rd. (Rt. 669) intersection, and is identified as Tax Parcel No. 127-A-19 (Acct. ID # 025566) in the Riner Magisterial District (Election District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on the proposed rezoning request. The applicant desires to rezone 40 acres to allow the subdivision of the property for single-family residential development using the compact option. A total of 24 lots are proposed, ranging from 1.00 acre to 1.93 acres. By using the compact option, a total of 10 acres will be left for open space.

Access to the proposed subdivision will be via Childress Road (SR 693) to Sassafrass Road, which is currently a private gravel road. The applicant anticipates relocating the entrance of Sassafrass Road by 1,000 ft and proposes to upgrade the entire road to meet VDOT standards. When complete, Sassafrass Road will be taken over by VDOT as a secondary road. According to the County’s Subdivision Ordinance, this road must be upgraded to VDOT standards.

The applicant has proffered the following:

1. If stormwater facilities are necessary in the development of the subdivision, then the applicant agrees to establish a Homeowner’s Association to be responsible for the future maintenance and liability of such stormwater facilities.
2. If the compact development option is utilized, then the applicant agrees to establish a Homeowner’s Association for the future maintenance and liability of all green space areas, trails and other common facilities located within the subdivision. The applicant will provide walking trail interconnecting the two cul-de-sacs to the green space and through the green space to Sassafrass Road.
3. If a Homeowner’s Association is established, the applicant agrees that the by-laws established will transfer ownership of common facilities from the developer to the Homeowner’s Association not later than the date of the sale of the eighth lot in the subdivision.

4. Applicant agrees to provide a 50' right-of-way for future street extension from the end of the second cul-de-sac to the adjoining property.

James Randy Thornton, applicant, addressed the Board regarding his rezoning request. Mr. Thornton explained that he is planning to construct the subdivision in phases, with the first phase to include only 6-8 lots up to the first cul-de-sac. The site plan may change somewhat once all the soil testing is completed. The number of lots may be reduced depending on the results of the soil test. Mr. Thornton also explained that the private road, Sassafrass Road, will be upgraded to VDOT standards in order to be taken over by VDOT as a secondary road.

Supervisor Creed expressed concern that the road will not be upgraded before full build out of the subdivision. There are a number of subdivisions in the County that still have private roads. He asked if the applicant was willing to proffer that the road will be upgraded to VDOT standards. Mr. Thornton responded that he would.

Supervisor Spradlin asked the County Attorney if this proffer would be required since it's already an requirement under the County's Subdivision Ordinance.

The County Attorney explained that the County's Subdivision Ordinance already requires all lots to be facing a secondary road maintained by VDOT, therefore the proffer would be redundant.

There being no further speakers, the public hearing was closed.

Shawsville Village Plan

The Shawsville Village Plan is one of the six village plans specified in §PLU 1.7 Villages, §PLU 1.71 Village Planning Process, and §PNG 4.0 Villages and Rural Communities in the *Montgomery County 2025* comprehensive plan. **The Shawsville Plan is a twenty year plan to guide growth, development, and redevelopment within the Shawsville Village boundaries.**

Megan Dorsett, Comprehensive Planner, provided a brief overview of the County's Village Plan concept. Ms. Dorsett explained under guidelines established in the County's Comprehensive Plan 2025, seven villages (six village plans) will be established to help guide development and growth within the County. The purpose of the village plans are to guide development in each of the villages, while maintaining each village's distinct identity. The village planning process provided citizens in each of the seven villages with a say in how their respective village will develop over the next twenty years.

The population projection is expected to increase to 155,000 residents by 2030, with 67% of the increase in the incorporate towns of Blacksburg and Christiansburg. Only 33% of the growth is expected to be in the unincorporated area of the County.

Ms. Dorsett explained that the all of the three following village plans were developed through a combined effort of citizens, Virginia Tech students and faculty, and staff from the Montgomery County Planning & GIS Services. The public input was divided into three phases: a door-to-door survey, community meetings, and review and final recommendation by the Montgomery County Planning Commission.

Ms. Dorsett summarized the Shawsville Village Plan and planning assumptions. Population and building permit trends indicate Shawsville historically has the most stable population and is unlikely to experience significant growth. The last large subdivision in Shawsville was "Fort Vause", developed in 1974. Terrain and active agricultural interests are likely to reduce the amount of available land for new development. Given the scarcity of developable land, new development will most likely occur as single lots, minor subdivision lots, or family subdivision lots rather than as part of a large-scale subdivision. Shawsville has been, and is likely to remain, the most stable and least impacted village in Montgomery County.

Karen Drake, Comprehensive Planner for the Town of Blacksburg, spoke in support of the Village Plans for Shawsville, Belview, and Plum Creek areas. Ms. Drake commented as a resident and a planner she applauds the visionary planning process of the Village Plans. The village plans are to be commended for their contribution towards regional smart growth efforts within the New River Valley. She supports the County's efforts to steer growth into the village areas where services can be more economically provided in a concentrated area by one

jurisdiction or through joint jurisdiction agreements. Ms. Drake thanked the Board for the opportunity to speak and hopes that the Board will continue to support regionalism and smart growth in Montgomery County by adopting the three Village Plans presented to them tonight.

There being no further speakers, the public hearing was closed.

Belview Village Plan

The Belview Village Plan is one of the six village plans specified in §PLU 1.7 Villages, §PLU 1.71 Village Planning Process, and §PNG 4.0 Villages and Rural Communities in the *Montgomery County 2025* comprehensive plan. **The Belview Plan is a twenty year plan to guide growth, development, and redevelopment within the Belview Village boundaries.**

Meghan Dorsett, Comprehensive Planner, summarized the Belview Village Plan. The Belview area is expected to remain a bedroom community for Christiansburg, Radford, Blacksburg, and RAAP. Belview’s growth is likely to stay level or increase because of location and planning decisions in neighboring jurisdictions. Belview’s central location between the two towns and City of Radford will appeal to the bi-commuter households. However, transportation and public utility constraints may impede growth in the future. If public water and sewer capacity at the pump station is increased, then growth is likely.

There being no speakers, the public hearing was closed.

Plum Creek Village Plan

The Plum Creek Village Plan is one of the six village plans specified in §PLU 1.7 Villages, §PLU 1.71 Village Planning Process, and §PNG 4.0 Villages and Rural Communities in the *Montgomery County 2025* comprehensive plan. **The Plum Creek Village Plan is a twenty year plan to guide growth, development, and redevelopment within the Plum Creek Village boundaries.**

Meghan Dorsett, Comprehensive Planner, summarized the Plum Creek Village Plan. Plum Creek experienced a tremendous growth between 1990 ad 2005. This rate is unlikely to continue because of environmental, topographic, and public utility constraints. The majority of development will be focused on redeveloping areas and on lower density residential development. The majority of the Rt. 11 corridor, from the Rt. 11/Plum Creek intersection to the Rt. 11/Rock Road intersection, is in a designated floodway. Federal, state, and local ordinance prohibit development/redevelopment in a recognized floodway. Therefore, future commercial development will need to be relocated to higher ground. The mixed use neighborhoods will probably be limited to a combination of commercial and small scale industrial.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated May 29, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the minutes dated April 9, April 16, April 23, and May 14, 2007 were approved.

R-FY-07-179 SCHEDULE PUBLIC HEARING AMEND EROSION AND SEDIMENT CONTROL FEE SCHEDULE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a public hearing for June 25, 2007, at 7:15 p.m., or as soon thereafter at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the proposed ordinance amending Chapter 8, Article III, Section 8-69 of the Code of the County of Montgomery, Virginia Entitled Erosion and Sediment Control in order to amend the fee structure for agreement in lieu of a plan and to assess a new technology fee.

R-FY-07-180 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA, SCHEDULING A PUBLIC HEARING ON AN ORDINANCE INCREASING THE COURTHOUSE SECURITY FEE ASSESSED AS ADDITIONAL COST IN CRIMINAL OR TRAFFIC CASES IN GENERAL DISTRICT AND CIRCUIT COURT FROM FIVE DOLLARS (\$5.00) TO TEN DOLLARS (\$10.00)

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agree to schedule a public hearing on June 25, 2007, at 7:15 p.m. or as soon thereafter at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the proposed Ordinance Amending Chapter 1 entitled General Provisions Section 1-6 of the Code of the County of Montgomery Virginia Increasing the Courthouse Security Fee Assessed as Additional Costs in Criminal or Traffic Cases in General District and Circuit Court from Five Dollars (\$5.00) to Ten Dollars (\$10.00).

A-FY-07-117 SCHOOL OPERATING FUND SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

610000 Instruction	\$521,847
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

Special Ed Title VI IDEA Flow Through	\$521,847
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Said resolution appropriates additional funds for the School Operating Fund.

R-FY-07-181
RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO FILE A REQUEST TO REZONE FROM AGRICULTURE (A-1)
TO GENERAL BUSINESS (GB), WITH PROFFERED CONDITIONS
THE EXISTING AUBURN ELEMENTARY SCHOOL PROPERTY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to file a rezoning request on behalf of the County of Montgomery, Virginia seeking a rezoning from Agriculture (A-1) to General Business (GB), with proffered conditions, the 41 acres located on the west side of Riner Road, Route 8, identified as the Auburn Elementary School site, referenced more specifically as Tax Map Parcel Number 127-A-37A and 127-A-43A in the Riner Magisterial District.

BE IT FURTHER RESOLVED, That the County Administrator is authorized to submit the following proffered conditions with the rezoning request:

The future use of the property if rezoned to General Business shall be limited to the following by right uses under the General Business Zoning:

- Church
- Civic Club
- Conference or Training Center
- Day Care Center
- Fire, police and rescue facility
- Library
- Office, administrative, business or professional
- Park (lighted and unlighted)
- Public utility lines, other distribution or collection facility
- Public utility lines, water or sewer
- School
- Telecommunication tower, attached

R-FY-07-182
SOCIAL SERVICES BOARD
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **John A. Muffo** to the **Social Services Board** effective May 30, 2007 and expiring May 29, 2011.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

R-FY-07-183
REQUEST FOR A STREET NAME
BROOKLYN AVENUE
WALNUT CREEK SUBDIVISION PHASE I

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, There is an unnamed street in Walnut Creek Subdivision, Phase I, a new subdivision; and

WHEREAS, The County requests this street be named Brooklyn Avenue; and

WHEREAS, Brooklyn Avenue complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that after duly considering said request, the Board hereby approves the use of the name Brooklyn Avenue.

NEW BUSINESS

**R-FY-07-184
AMENDMENT TO THE FEE SCHEDULE
PLANNING & ZONING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the following amendments to the Fee Schedule for planning and zoning activities effective July 1, 2007:

**FEE SCHEDULE
PLANNING AND ZONING**

<u>Application/Permit Type</u>	<u>Fee</u>
Rezoning <i>(to)</i>	
A-1	\$300
R-R, R-1, R-2	\$400 + \$20/acre or portion thereof
R-3, RM-1	\$500 + \$25/acre or portion thereof
GB, CB	\$600 + \$30/acre or portion thereof
ML, M-1	\$700 + \$35/acre or portion thereof
PUD-Res, PUD-Com, PIN, PMR	\$800 + \$40/acre or portion thereof
Special Use Permit	\$400
Telecommunications Tower	\$2000
Automobile Graveyard	\$1000
Extractive Industry	\$1000
Change in proffered conditions	\$400 + \$20/acre or portion thereof
Comprehensive Plan Amendment	\$400
Variance Request - BZA	\$400
Appeal of Zoning Administrator's decision - BZA	\$350
Sign Permit	\$30
General Advertising (Billboard)	\$300
Zoning Permit	\$0
Subdivision Review Fee	
Major Subdivision	\$200 per plat + \$20 per lot over 5
Minor Subdivision	\$70 per plat + \$10 per lot over 5
Family Subdivision	\$0
Boundary Line Adjustment	\$30
Boundary Line Adjustment with vacation	Same as Minor Subdivision
Site Plan Review	\$100 + \$20/acre or portion thereof
Zoning Confirmation Letter	\$100
DMV Certification Letter	\$30
Technology Fee	2% of base fees minimum \$10

When a joint application/permit is sought for both a rezoning and a special use permit, only the higher fee shall be charged.

Application/permit fees are non-refundable regardless of whether the application/permit is approved, denied or withdrawn.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

R-FY-07-185
AMENDMENT TO THE FEE SCHEDULE
BUILDING PERMITS AND INSPECTIONS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the following amendments to the Fee Schedule for Building Permits and Inspections effective July 1, 2007:

FEE SCHEDULE
BUILDING PERMITS AND INSPECTIONS

No permit to begin work on new construction or any amendments to an existing permit or other building alterations shall be issued until the fees presented in this schedule have been paid and requested permits have been approved by the Building Official. Unless otherwise indicated, fees for permits shall be based upon Gross Building Area (GBA – total square footage area of each floor including the basement and all exterior structures). The Building Official may assess other/additional fees upon review and approval of the permit application or plans or during construction due to changes in the permit status or plans.

Fees shall be charged for various types of building construction and alterations at the following rates: All fees shall be rounded to the nearest dollar.

Residential Construction:

New Construction, Industrialized Buildings (Modular homes), Additions, Alterations, Renovations, and Repairs (Includes attached and detached garages, any unfinished interior space, basements, carports, and storage buildings.)	\$0.18 per sq. ft. minimum \$35.00 fee
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Non-Residential:

New Construction, Additions, Alterations, Repairs	\$0.28 per sq. ft. minimum \$35.00 fee
Structures where floor area does adequately reflect extent of construction. (i.e. towers, etc.)	\$2.75 per \$1,000 of estimated construction cost. Minimum \$35.00

Manufactured Housing

Includes all trade permits if erected according to the manufacturer’s set-up manual. All construction such as finished and unfinished basements require separate permits.

Single Wide	\$190 EA
Double Wide	\$230 EA
Triple Wide	\$300 EA
Deck and Porch (greater than 6' x 6')	\$115 EA
Construction Trailers	\$50.00 EA

Swimming Pools:

Above-ground – Residential	\$75.00 EA
In-ground – Residential	\$115.00 EA
Non – Residential	\$150.00 EA

Signs:

Signs requiring electricity must obtain a separate electrical permit.

New or relocated signs, billboard or other display structures	\$75.00 EA
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Trade Permits:

Electrical:

Residential and non-residential including accessory structures	\$0.03 per sq.ft. minimum \$35.00
Temporary Electric or Pole	\$75.00 EA
Upgrade Residential Service	\$75.00 EA
Upgrade Non-Residential Service	\$100.00 EA

Plumbing:

Residential and Non-Residential including accessory structures	\$0.03 per sq.ft. minimum \$35.00
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Mechanical:

Residential and Non-Residential including accessory structures	\$0.03 per sq.ft. minimum \$35.00
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Demolition:

Structures	\$35.00 EA
Underground tanks	\$35.00 EA

General:

Temporary Certificate of Occupancy (for each 30 day Temporary Certificate)	\$75.00 EA
Re-inspection fee	\$30.00 EA
Local Board of Building Code Appeals	\$175 EA
Virginia State Levy	1.75 % of each fee charged
Technology Fee	2% of fees minimum \$10.00

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Annette S. Perkins
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Steve L. Spradlin		

A-FY-08-01
FY 2007-2008 BUDGET APPROPRIATION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2008 be and the same is hereby made effective July 1, 2007 for the organizations indicated on the attached listing.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure account appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary wire transfer, as appropriate.

**EXPENDITURE ACCOUNTS
TO BE APPROPRIATED**

1. GENERAL FUND

100	Board of Supervisors	\$	226,177
110	County Administration		1,252,440
120	County Attorney		202,006
130	Financial and Management Services		810,455
132	Insurance		274,663
140	Information Management Services		868,852
150	Commissioner of Revenue		597,104
152	Assessment - 100% County		455,127
160	Treasurer		546,585
162	Collections - 100% County		471,566
170	Registrar		331,948
180	Internal Services		493,655
200	Commonwealth Attorney		792,569
210	Circuit Court		150,446
220	General District Court		21,456
230	Juvenile and Domestic Relations Court		17,637
240	Magistrate		5,000
250	Circuit Court Clerk - 100% County		608,344
310	Sheriff-Co/State Support		7,198,018
320	Sheriff-County Support		1,304,297
330	Fire and Rescue		938,892
400	General Services		4,538,121
510	Comprehensive Services Act		1,812,367
520	Human Services		397,845
530	Public Health		464,411
540	Social Services		6,140,617
700	Parks and Recreation		684,028
710	Regional Library		1,752,447
800	Planning and Inspections		593,519
810	Economic Development		379,190
900	Revenue Refunds		164,106
910	Other Agencies		1,095,980
950	General Contingencies		300,000
960	Contingencies - Special		220,838
990	Adjustments for Internal Services		(91,700)
	TOTAL GENERAL FUND	\$	36,019,006

2. LAW LIBRARY FUND

290	Law Library	\$	17,600
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3.	600	SCHOOL OPERATING FUND	
	610	Instruction	69,632,799
	620	Administration, Attendance, and Health	3,531,291
	630	Pupil Transportation	4,024,646
	640	Operations and Maintenance	12,517,087
	650	Other Non-Instructional Operations	35,873
		TOTAL SCHOOL OPERATING FUND	\$ 89,741,696
4.	651	SCHOOL CAFETERIA FUND	\$ 3,662,207
5.	660	School Capital Construction Fund	2,538,836
		TOTAL SCHOOL CAPITAL CONSTRUCTION FUND	\$ 2,538,836
6.	920	DEBT SERVICE FUND	\$ 10,769,710

GRAND TOTAL EXPENDITURES **\$ 142,749,055**

The source of funds for the foregoing appropriation is as follows:

ESTIMATED RESOURCES

1.	GENERAL FUND		
	A.	REVENUE	
		General Property Taxes	\$ 55,483,533
		Other Local Taxes	9,846,144
		Other Undesignated Revenue	1,436,400
		Resources Designated by Department	15,951,984
		Subtotal	\$ 82,718,061
	B.	OTHER	
		Use of Fund Balance	0
		Transfers to School Operating Fund:	(33,612,976)
		Transfers to Debt Service Fund	(10,547,243)
		Transfers to School Capital Construction Fund	(2,538,836)
		Subtotal	\$ (46,699,055)
	TOTAL GENERAL FUND RESOURCES:		\$ 36,019,006
2.	LAW LIBRARY FUND		
	A.	REVENUE	\$ 15,000
	B.	USE OF FUND BALANCE	2,600
	TOTAL LAW LIBRARY FUND RESOURCES		\$ 17,600
3.	SCHOOL OPERATING FUND		
	A.	REVENUE	\$ 56,128,720
	B.	TRANSFER FROM GENERAL FUND	33,612,976
	TOTAL SCHOOL OPERATING FUND		\$ 89,741,696
4.	SCHOOL CAFETERIA FUND RESOURCES		\$ 3,662,207
5.	SCHOOL CAPITAL CONSTRUCTION FUND RESOURCES		\$ 2,538,836
6.	DEBT SERVICE FUND		
	A.	REVENUE	\$ 222,467
	B.	TRANSFER FROM GENERAL FUND	10,547,243
	TOTAL DEBT SERVICE FUND		\$ 10,769,710
	GRAND TOTAL ALL RESOURCES		\$ 142,749,055

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Doug Marrs		
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

INVOCATIONS AT BOARD MEETINGS

Supervisor Biggs made a motion, seconded by Supervisor Marrs to approve the resolution establishing an invocation before the start of Board of Supervisors public meetings.

Following discussion, Supervisor Creed made a substitute motion to table the resolution in order for all Board members to be present.

R-FY-07-186 A RESOLUTION ESTABLISHING AN INVOCATION BEFORE THE START OF BOARD OF SUPERVISORS PUBLIC MEETINGS TABLED

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery hereby **TABLES** establishing an Invocation before the start of the Board of Supervisors public meeting in order to allow all Board members to be present for discussion.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Annette S. Perkins
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

R-FY-07-187 DESIGNATION OF STROUBLES CREEK ROAD (SR 619) AS A RURAL RUSTIC ROAD

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, During the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, VDoT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDoT with regard to safety, resident concerns, and environmental issues; and

WHEREAS, Such roads must be located in a low density development area, and have no more than 500 vehicles per day; and

WHEREAS, There is no pending development that will affect the existing traffic on the road; and

WHEREAS, The citizens that utilize this road have indicated their support of this road being paved with minimal improvements; and

WHEREAS, A road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

WHEREAS, This Board believes SR 619 Stroubles Creek Road should be designated a Rural Rustic Road, owing to its qualifying characteristics; and

WHEREAS, The road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates and requests the Virginia Department of Transportation's Residency Administrator to concur in Stroubles Creek Road (SR 619) as a Rural Rustic Road.

BE IT FURTHER RESOLVED, This Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, This Board pledges to discourage more development on this road.

BE IT FURTHER RESOLVED, That a certified copy of this resolution is forwarded to the Residency Administrator for the Virginia Department of Transportation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
James D. Politis		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

INTO WORK SESSION

On a motion by Doug Marrs, seconded by Mary W. Bigg and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. State Funding for Farm & Forest Land Preservation
2. Vehicle Decal Elimination
3. VRS Changes

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

State Funding for Farm and Forest Land Preservation

Joe Powers, Planning Director, provided an update on the state funding for Farm and Forest Land Preservation. At the Board's May 14, 2007 meeting, the Planning Director reported that the General Assembly approved \$4.25 million in matching funds to assist local governments with PDR (purchase of development rights) programs for farm and forest land preservation. PDR programs must be certified by the state by August 31st to be eligible for the state matching funds.

Montgomery County does not have a PDR program, but does have funding set aside in an acquisition fund for the purchase of conservation easements.

The Planning Director provided three alternatives for consideration:

1. Local PDR Program – Fast Track: Work to develop a local PDR program for Montgomery County in time to adopt and submit it to the state by August 31, 2007.
2. Local PDR Program – Normal Track: Work to develop a local PDR program over the next year with the intent of adopting and submitting it by July 1, 2008.
3. Choose not to have a local PDR program at this time.

The Planning Director recommended Montgomery County develop a local PDR program over the next year and submit it to the state by July 1, 2008. This would allow ample opportunity to engage the farming community and other interested parties in the program. Summer time is very busy for those working on the land and next winter would be a much better time to work on the program. The one potential negative to this alternative is that there is no guarantee that next year's General Assembly will continue funding for the new program.

It was the consensus of the Board that the County should develop a local PDR program over the next year in order to allow citizen participation and give staff ample time to draft a program.

Elimination of Motor Vehicle Decals

Angie Hill, Financial & Management Services Director, provided a report on the possible elimination of the County's motor vehicle decals. Ms. Hill stated that currently, the County imposes a \$20 motor vehicle decal fee to county residents, which is due March 31 of each year. Historically, the decal is used as an enforcement tool for personal property taxes and easy identification of county residents who use the consolidated collection sites by the site attendants. The County generates approximately \$600,000 per year from the sale of motor vehicle decals.

Ms. Hill provided several cons for issuing motor vehicle decals:

1. Issues with using decals as an enforcement tool for personal property
 - a. Neighboring jurisdiction (Town of Christiansburg) no longer has decals
 - b. Other jurisdictions throughout the Commonwealth have eliminated decals (many Virginia Tech students' vehicles come from these jurisdictions)
2. Sale of decals is an inherently inefficient process for both the Commissioner of the Revenue's and Treasurer's office.
3. Takes resources away from delinquent tax collections.

Ms. Hill reported the Montgomery County Treasurer approached the Board of Supervisors last year with the suggestion to eliminate the motor vehicle decal. The Board directed the County Administrator to review the Treasurer's request. Therefore, at the County Administrator's request, representatives from Christiansburg, Blacksburg, Montgomery County Commissioner of the Revenue, Treasurer, and Finance Director met to develop a recommendation regarding the current decal system versus implementation of a Motor Vehicle License fee.

It was the Committee's recommendation that the decal system be eliminated and implement a motor vehicle license fee. This fee could be included on the personal property tax bills and the due date would correspond to the due date for personal property tax. The Committee also recommended increasing the fee to the amount currently charged by the Town of Christiansburg (\$27.50). The first year would provide a credit for decal fee paid prior to April 1 of \$7.50. The second year fee would be the full amount of \$27.50 and due by December 5, 2008. They recommended increasing the fee the third year to \$29.50, which is the maximum amount allowed by the Code of Virginia.

The goal is to provide a uniform system between the County, the Town of Blacksburg, and the Town of Christiansburg. All three jurisdictions would charge the same fee and bill at the same time, which would alleviate confusion among citizens.

This recommendation would eliminate the need for decals, which would improve efficiency and cost savings to the County. The data base would be consolidated into one data base, combine the personal property tax billing cycle, and a cost savings (eliminate the cost of printing and mailing decal notices and the printing of the decal for a total cost savings of \$16,160). The elimination of decals would free up resources in the Treasurer's and Commissioner's office to focus on other tasks.

Ms. Hill reported the next step is to schedule a public hearing, hold a public hearing, and adopt a new ordinance by August 13, 2007. The personal property book is due to the Treasurer by September 1 in order to print and mail the personal property tax ticket notices by November 19th.

Richard Shelton, Treasurer, spoke in support of the recommendation to eliminate motor vehicle decals and implement a motor vehicle license fee. This would allow his staff to spend more time on delinquent tax collections. The elimination of decals would also allow law enforcement personnel to better use their time then enforcing decals.

Sharon Gilbert, Commissioner of the Revenue, spoke in support of the recommendation to eliminate motor vehicle decals. Ms. Gilbert stated this would give her staff more time to review the data received from the Department of Motor Vehicles and provide more accurate information for the billing process.

Virginia Retirement System (VRS) Benefit Changes – Law Enforcement Employees

The County Administrator reported that beginning July 1, 2007 Virginia Retirement System (VRS) participating jurisdictions may elect to increase the multiplier for law enforcement employees from 1.70% to 1.85%. Since the County was just notified of this change, no money has been allocated in the FY 07-08 Budget for the increase. If the Board of Supervisors chooses to implement the increase the fiscal impact would be \$86,430 effective July 1, 2007. The Group Life rate will have a rate reduction producing a savings of \$31,803. If applied to the new cost for VRS, the result would be a net increase of \$54,627. If the Board chooses to implement the plan in January 1, 2008, then the added cost could be absorbed within existing funds.

Sheriff Whitt addressed the Board supporting the increase in VRS rates for law enforcement employees. He agrees with the implementation of the new rate effective January 1, 2008.

The County Administrator stated they are waiting to see if the Towns of Blacksburg and Christiansburg will approve the VRS rate increase and the effective date. Additional information will be provided to the Board at their June 11, 2006 meeting.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

COUNTY ATTORNEY'S REPORT

The County Attorney received a complaint regarding car stereos played loudly in a residential subdivision. Apparently, several motorists are riding through the neighborhood playing their music loud, creating a nuisance. The Sheriff's Office was contacted with this complaint but nothing could be done before 11:00 p.m. According to the County Code the noise is not considered a nuisance unless after 11:00 p.m.

The County Attorney researched the Town of Blacksburg and Christiansburg codes regarding noise. The Town of Blacksburg's Code states that "When the sound is plainly audible at a distance of fifty (50) feet from its source or otherwise creates a noise disturbance." Therefore, a citation can be given.

He explained that the Board can amend the Noise Ordinance to address this issue if they so desire. The Board directed that this issue be placed on the next agenda for discussion.

COUNTY ADMINISTRATOR'S REPORT

Joint Meeting with Blacksburg Town Council (RE: Old Blacksburg Middle School)

The County Administrator reported the Old Blacksburg Middle School Transition Committee desires to hold a joint meeting with the Board of Supervisors and the Blacksburg Town Council. A joint meeting in June 2007 was previously discussed; however, after contacting the consultant it was reported she will be out of town. Another possible date to consider is Monday, July 30, 2007. The County Administrator will contact all parties to see if this date is suitable.

Virginia Department of Transportation - Interstate & Primary Six-Year Improvement Plan

Included in VDOT's FY 2008-2013 Six-Year Improvement Plan for Interstate and Primary Roads is \$385,000 earmarked for Montgomery County for highway safety improvements. This funding is not listed for any specific project. The Board of Supervisors in the past requested highway safety improvement funding for turn lane projects in Montgomery County. The turn lanes listed in the Board's resolution for Six-Year Road Plan for Interstate and Primary Roads are as follows:

- Turn lane on Route 8 at Life Drive (SR 1295)
- Turn lane on Route 8 at Smith Creek Road (SR 675)
- Turn lane on Route 114 at Rolling Hills.
- Route 8 intersection with Fairview Church Road (SR 669) traffic light and turn lane improvement.

It is recommended that the County send a letter to the Commonwealth Transportation Board thanking them for the funds and request that it be used for the turn lane projects. It is also recommended that the Board prioritize the list of turn lane projects since \$385,000 will not fund all these projects.

The County Administrator suggested the County's Roads Committee meet with David Clarke, VDOT Residency Administrator, to discuss these projects before the Board's June 11, 2007 meeting.

The Board agreed that the Roads Committee should meet and prioritize the turn lane projects.

BOARD MEMBERS' REPORTS

Supervisor Creed made a motion to add to the agenda a resolution authorizing the execution of a purchase agreement with Fotheringay, LLC for the purchase of twenty acres for a potential elementary school site.

R-FY-07-188
RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE AGREEMENT
WITH FOTHERINGAY, LLC

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to enter into a Purchase Agreement with Fotheringay, LLC to purchase twenty (20) acres subject to certain terms and conditions contained in the Purchase Agreement.

BE IT FURTHER RESOLVED, The Board of Supervisors agrees to authorize the Chairman to execute the Purchase Agreement and any other documents necessary in furtherance of the Purchase Agreement.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Annette S. Perkins
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		
Steve L. Spradlin		

Supervisor Spradlin received a citizen request to change the status of Prices Fork Road (SR 685) from a secondary road to a primary road. Supervisor Spradlin directed this request be forwarded to the County's Planning Department and MPO Department for review.

Supervisor Spradlin reminded Board members of the following upcoming events:

1. Economic Development Business Appreciation Day and BBQ Dinner – May 31, 2007
2. Montgomery County's Employee Service Award Dinner - June 1, 2007
3. Special Olympics Torch Run - June 5, 2007

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, June 11, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Annette S. Perkins
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Steve L. Spradlin		

The meeting adjourned at 9:35 p.m.

APPROVED:_____	ATTEST:_____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator